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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,301	11/28/2001	Takao Yoshimine	275759US6PCT	1118
22850	7590	05/09/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,301

Applicant(s)

YOSHIMINE ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 13-16, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-16, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Request for Reconsideration***

1. Applicant's request for reconsideration received on 3/2/2006 is acknowledged and entered. None of the claims is amended or canceled. Currently claims 1-8, 13-16, and 24-25 are pending for examination.

### ***Response to Arguments***

2.1. Applicant's arguments, see Remarks/Arguments on page 2, filed 3/2/2006, with respect to rejection of claims 24-25 under 35 USC 112, second paragraph have been fully considered and are persuasive. The rejection of claims 24-25 under 35 USC 112, second paragraph has been withdrawn.

2.2. Applicant's arguments, see Remarks/Arguments on pages 2-3, filed 3/2/2006 with respect to claiming priority to a foreign application have been fully considered and are persuasive. Therefore, the rejection of claims 1-8, 13-16 and 24-25 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Dougherty et al. (US Publication 20020029179), hereinafter Dougherty.

**Regarding claim 1**, Dougherty teaches a contribution processing device (see Fig.1 and col.5, lines 44-67 which show an online contribution system for a Presidential candidate), comprising:

receiving means for receiving image data of content which is supplied from a content providing device over a network; display means for displaying a content display screen having a given contribution button displayed thereon, based on said image data received by said receiving means; contribution data creating means for creating contribution data equivalent to a given amount corresponding to said contribution button when the contribution button is selected on said content display screen; and transmitting means for transmitting said contribution data created by said contribution data creating means to said content providing device over said network (see Figs.1-2 , col.5, lines 44-67 and col.6, lines 25-53. In Fig.2, reference "206" is the content providing device, reference "234" is the receiving means, reference "230" is the display means wherein an image data of a politician giving speech transmitted by the content providing device is received by the receiving means and displayed on the display means. Fig.1 shows the contribution data creating means in the form of " \$25 Campaign contribution on selection of the contribution

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button "118" and once the contribution button is selected the contribution data is transmitted to a response collector).

**Regarding claims 5 and 13**, their limitations are closely parallel to the limitations of claim 1 and are therefore analyzed and rejected based upon the same rationale.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.1. Claims 2, 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty in view of Ziarno (US Publication 2001/0001855 A1).

**Regarding claim 2**, Dougherty shows that said contribution data creating means creates contribution data equivalent to a given amount corresponding to said button, as analyzed for claim 1 above but does not teach displaying a contribution amount selection screen showing a plurality of amounts on said display means in response to the selection of said contribution button, and creates said contribution data corresponding to said amount selected on said contribution amount selection screen. However, in the same field of endeavor of creating contribution data online Ziarno teaches the missing limitation, that is displaying a contribution amount selection screen showing a plurality of amounts on said display means in response to the selection of said contribution button, and creates said contribution data corresponding to said amount selected on said contribution amount selection screen (see at least paragraphs 0059-0060 which disclose displaying variants of the contribution amounts, such as \$5 or \$10 or \$100 or more to make it convenient for the givers to choose according to their means, that is affluent people can choose from higher denominations and less affluent can choose the lower denominations. ). In view of Ziarno, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to modify Daugherty to incorporate the Ziarno's suggestions, that is displaying a contribution amount selection screen showing a plurality of amounts on said display means in response to the selection of said contribution button, and creates said contribution data corresponding to said amount selected on said contribution amount selection screen because it would make it convenient for the contribution givers to choose a particular denomination amount as per his economic capability, that is \_affluent people can

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choose from higher denominations and less affluent can choose the lower denominations.

**Regarding claims 6 and 14**, their limitations are closely parallel to the limitations of claim 2 and are therefore analyzed and rejected based upon the same rationale.

4.2. Claims 3-4, 7-8, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty in view of Miller et al. (US Publication 2001/0051875 A1), hereinafter Miller.

**Regarding claim 3**, Dougherty shows that said contribution data creating means creates contribution data equivalent to a given amount corresponding to said button, as analyzed for claim 1 above but does not teach said contribution data creating means creates said contribution data equivalent to an amount which is directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected. However, in the same field of endeavor of making contributions online Miller teaches the missing limitation, that is said contribution data creating means creates said contribution data equivalent to an amount which is directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected (see paragraphs 0032-0034, 0039, Fig.6 which shows that the contribution data creating means creates a contribution data equivalent to an amount which is directly entered). In view of Miller it would be obvious

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to one of an ordinary skilled in the art at the time of the applicant's invention to modify Daugherty to incorporate the Miller's suggestions, that is said contribution data creating means creates said contribution data equivalent to an amount which is directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected because it would make it convenient for the contribution givers to contribute an amount as per his economic capability, that is \_affluent people can choose from higher denominations and less affluent can choose the lower denominations.

**Regarding claim 4**, Dougherty shows that said contribution data creating means creates contribution data equivalent to a given amount corresponding to said button, as analyzed for claim 1 above but does not teach said contribution data creating means changes an amount directly entered in a contribution amount input area corresponding to said contribution button by the amount more than a fixed minimum amount, according to user's operations when the contribution button is selected, and creates said contribution data equivalent to the changed amount. However, in the same field of endeavor of making contributions online Miller teaches the missing limitation, that is said contribution data creating means creates said contribution data equivalent to an amount which is directly entered in a contribution amount input area corresponding to said contribution button when the contribution button is selected (see paragraphs 0032-0034, 0039, Fig.6 which shows that the contribution data creating means creates a contribution data equivalent to an amount which is directly entered and further if



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desired the entered amount can be changed). In view of Miller it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to modify Daugherty to incorporate the Miller's suggestions, that is said contribution data creating means changes an amount directly entered in a contribution amount input area corresponding to said contribution button by the amount more than a fixed minimum amount, according to user's operations when the contribution button is selected, and creates said contribution data equivalent to the changed amount because it would allow the flexibility and convenience for the contribution givers to change or cancel an amount at any time as is evident from Miller's teachings.

**Regarding claims 7-8, and 15-16,** their limitations are closely parallel to the limitations of claims 3-4 and are therefore analyzed and rejected based upon the same rationale.

4.3. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty in view of Ziarno and further in view of Guheen et al. (US Patent 6,473,794).

**Regarding claim 24,** Dougherty shows that said contribution data creating means creates contribution data equivalent to a given amount corresponding to said button and transmitting said contribution data to said content providing device, as analyzed for claim 1. Dougherty shows that the contribution data is sent to the information provider who could be the fund raiser for the candidate or for a charity

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event and such fund raisers are more than one (see col.5, lines 55-67). The fund raiser in Dougherty corresponds to the "user" as recited in the claim, that is the party who supplied the content for raising funds either for a presidential candidate as shown in Dougherty or it could be for a charity event [because it is well-known to raise funds for charity events, see Ziarno and Miller for evidence].

Dougherty does not explicitly show that the contribution data is added to the fundraiser's information before sending it to the fund-raiser. However, It would be obvious to one of an ordinary skilled in the art that the contribution data from various fund givers would be added to every fund raiser's information who is using the system to collect funds to consolidate the receipt of contribution data along with the information who contributed before sending it so that their contributions can be acknowledged and receipts sent.

Dougherty does not disclose adding a service charge for supplying said content to the user's information. However, it is well-known to one of an ordinary skilled in the art that an online service may charge a user for displaying content such as data/images for raising funds (see Guheen col.192, lines 3-17, "*Four different types of commercial transactions might commonly occur in a commercial online service. First, a user may be charged for the right to access all or parts of a useful publicly accessible online system. Second, the online service may pay the user for performing some type of action such as winning a contest or completing a marketing survey. Third, an online service may charge a content provider for placing certain information on the online service. For example, a content provider can be charged for placing an advertisement on the online service. Finally, a content provider can be paid by the online service for providing information that users may wish to access, can be can be provided on a for-fee basis. Conversely, an online service provider may wish to pay third party content providers for placing*

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*useful material on the online service.*     "). In view of the disclosure in Guheen, it would be obvious to one of an ordinary skilled in the art that in the disclosure of Daugherty the online service provider would charge the user/fundraiser and add this information, that is the billing information to the user's account for letting him display the content to the public at large to receive contribution data/funds for election campaign.

**Regarding claim 25**, its limitations are closely parallel to the limitations of claim 24 and is therefore analyzed and rejected based upon the same rationale.

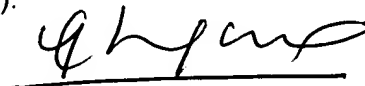
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
5/5/2006